

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIELA PEDERSEN,
PLAINTIFF,

V.

**CNO SERVICES, LLC DBA BANKERS LIFE
AND CASUALTY COMPANY, BANKERS LIFE
AND CASUALTY COMPANY, SAM DOE AND
DOES 1-20,**

DEFENDANT.

CASE No. 15-cv-1472 YGR

**PRETRIAL ORDER No. 2 RE: SECOND
PRETRIAL CONFERENCE**

ALSO RE: DKT. NOS. 89 AND 91

Having considered the filings to date and the arguments and other submissions at the Second Pretrial Conference, held on October 5, 2016, and for good cause shown, the Court enters the following orders:

1. **Renumbering of Claims:** Plaintiff's Claims are hereby renumbered as follows:
 - a. **Claim 1** (originally Claim No. 1) – **Sex/Pregnancy Discrimination in Violation of Cal. Gov. Code § 12940(a)**
 - b. **Claim 2** (originally Claim No. 4) – **Disability Discrimination in Violation of Cal. Gov. Code § 12900 et. seq.**
 - c. **Claim 3** (originally Claim No. 5) – **Failure to Accommodate a Disability in Violation of Cal. Gov. Code § 12940(a)**
 - d. **Claim 4** (originally Claim No. 6) – **Failure to Engage in the Interactive Process in Violation of Cal. Gov. Code § 12940(a)**
 - e. **Claim 5** (originally Claim No. 7) – **Failure to Prevent Discrimination in Violation of Cal. Gov. Code § 12940 et seq.**
 - f. **Claim 6** (originally Claim No. 14) – **Wrongful Termination in Violation of Public Policy and Government Code §§ 12940 et seq.**

- 1 g. **Claim 7** (originally Claim No. 9) – **Failure to Pay Wages in a Timely Manner**
2 **(Labor Code §§ 200-204 *et. seq.* and 206 *et. seq.*)**
- 3 h. **Claim 8** (originally Claim No. 11) – **Failure to Reimburse Expenses (Labor**
4 **Code § 2802)**
- 5 2. **Meet and Confer on Stipulations:** The parties are ordered to meet and confer on the
6 manner in which factual stipulations shall be presented to the jury, as well as the same for
7 interrogatories and requests for admission. The parties are to provide a joint statement on
8 these issues to the Court by no later than **Monday, October 10, at noon.**
- 9 3. **Revisions to Jury Instructions:** The parties are ordered to meet and confer on revising the
10 jury instructions in conformance with the Court’s instructions at the October 5 hearing.
11 The revised instructions are to be filed with the Court by **Monday, October 10, at 10 a.m.**
- 12 4. **Rulings on Jury Instructions:**
- 13 a. The following jury instructions are denied: Nos. 32, 34, 35, 36, 37, 38, 39, 40, and
14 49.
- 15 b. The following jury instruction is withdrawn: No. 59.
- 16 5. **Further Briefing on Jury Instructions:** With respect to Jury Instruction No. 53
17 (Wrongful Discharge in Violation of Public Policy), the parties are ordered to provide
18 briefing on the legal basis for and against including the following: “To establish this claim
19 [for wrongful discharge in violation of public policy], Ms. Pedersen must prove all of the
20 following: . . . That Ms. Pedersen’s attempts to enforce her right to reimbursement, right to
21 payment of her wages, right to be free from discrimination, or right to protected leave
22 under state and federal law were a substantial motivating reason for Ms. Pedersen’s
23 discharge.” The parties shall file their briefs by **Monday, October 10, at noon.** Each
24 brief shall not exceed five (5) pages.
- 25 6. **Electronic Equipment Use at Trial**
- 26 a. The Court authorizes defendant to bring into the courtroom and utilize the
27 following equipment for trial: a T60 presentation laptop, three Lenovo laptop(s), a
28 keyboard and mouse, power strip(s), extension cord(s) and miscellaneous cables.


Docket No. 89 is **GRANTED**.

b. The Court authorizes plaintiff to bring into the courtroom and utilize the following equipment for trial: four (4) laptops; four (4) cell phones; all cables, adaptors, extension cords, VGA switch, power strips, and tape necessary. Docket No. 91 is **GRANTED**.

7. **Recess:** Court is in recess until Tuesday, October 11, at 8:00 a.m.

IT IS SO ORDERED.

Dated: October 6, 2016


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California